



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
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DEPARTMENT OF HUMAN SERVICES
EUGENE I. GESSOW, DIRECTOR

March 13, 2009

GENERAL LETTER NO. 7-I-29

ISSUED BY: Bureau of Financial and Work Supports,
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 7, Chapter I, ***SPECIFIC HOUSEHOLDS AND PARTICIPANTS***, pages 28, 29, 30, and 35, revised.

Summary

This chapter is revised to:

- ◆ Update information regarding the time-limited eligibility for able-bodied adults without dependents (ABAWDs). As a result of the American Recovery and Reinvestment Act of 2009, the three-month limit for ABAWDs to receive Food Assistance is suspended through September 2010.
- ◆ Clarify that continued ABAWD coding is required on the Automated Benefit Calculation system. This data allows the state to determine possible future statewide exemptions from ABAWD requirements and to collect data for work and training program components.
- ◆ Remove outdated three-year ABAWD periods.

Effective Date

April 1, 2009

Material Superseded

Remove the following pages from Employees' Manual, Title 7 Chapter F, and destroy them:

<u>Page</u>	<u>Date</u>
28, 29, 30, 35	May 23, 2008

Additional Information

Refer questions about this general letter to your area income maintenance administrator.

Some victims of trafficking may not yet have or may not be able to get a social security number for work purposes. Assist these people in obtaining non-work social security numbers. Do so by sending a letter to the Social Security Administration that:

- ◆ Is on letterhead.
- ◆ Includes the applicant's name.
- ◆ Mentions that this person is a trafficking victim.
- ◆ States the non-work reason that the number is required to receive benefits.
- ◆ States that the applicant meets the requirements to receive benefits except for the social security number.

Food Assistance rules require applicants for benefits who do not have social security numbers to apply for them. Assistance cannot be delayed, denied, or discontinued pending the issuance of the social security number.

If you encounter a person you believe may meet the definition of trafficking victim, go through your usual channels to obtain instructions on assisting the person in contacting HHS ORR for possible certification by that agency.

If a victim of trafficking gains an "eligible alien" status, use the new eligible alien status when redetermining eligibility for that person.

Able-Bodied Adults Without Dependents (ABAWDs)

Legal reference: 7 CFR 273.24; Public Law 111-5

"ABAWDs" means "able-bodied adults without dependents."

"Able-bodied" means a person is both physically and mentally fit for employment.

"Dependent" means a child under age 18 who is or could be part of the person's Food Assistance household. The child does not have to be related to the person.

"Physically or mentally fit for employment" means the person does not have physical or mental barriers that prevent the person from obtaining or keeping employment.

To get Food Assistance benefits, an ABAWD must meet one of the requirements under [ABAWD Work Requirement](#). The ABAWD work requirements are in addition to the regular requirements set under 7-C, [Work Requirements for MWRs](#).

An ABAWD can get only three months of Food Assistance benefits while not meeting the ABAWD work requirement. (See [Time Limit for ABAWDs](#).) After using the three months, some ABAWDs can get an additional three months if they meet the conditions under [Additional Three-Months' Eligibility](#).

IMPORTANT: As a result of the American Recovery and Reinvestment Act of 2009, the three-month limit for ABAWDs is suspended April 1, 2009, through September 30, 2010. During this time period, do *not* cancel or deny any person for not meeting ABAWD work requirements.

States are still required to track ABAWD status. Therefore, continue to determine whether a person is an ABAWD and enter appropriate coding on the ABC system TD03 screen's FSET field.

ABAWD Exemptions

A person is exempt from the ABAWD work requirements if the person is:

- ◆ Exempt from mandatory work registration (MWR) for any reason. See 7-C, [Exemptions From Work Registration](#), for a list of exemptions.
- ◆ Under age 18. This includes the month in which a person turns 18.
- ◆ Aged 50 or over. This includes the month in which a person turns 50.
- ◆ Pregnant. This applies to any trimester.
- ◆ Unfit either mentally or physically for employment (has a condition that makes the person unemployable or that prevent the person from keeping a job).
- ◆ A member of a Food Assistance household that includes a child under the age of 18.

NOTE: The child does not have to be eligible for Food Assistance for this exemption to apply. This can happen in situations like joint custody arrangements, a child foster care returning home for visits, a child attending school away from home returns during the month, or a child is hospitalized.

If an exemption applies for at least one day in a month, the ABAWD is exempt for the entire month.

Determine a person's "fitness" for employment using the prudent-person principle or any reasonable evidence that supports your decision. The person's condition does not need to be permanent for a determination of "unfitness" to be made.

Your own observation of the person or information obtained in conversation with the person is a sufficient basis to make a determination as to a person's fitness for employment. If it is not evident to you that a person has a mental or physical limitation that would make the person unfit for employment, you may ask for verification.

Because people who have no source of income or insurance are often not able to receive medical care or substance abuse or mental health treatment, you may need to identify these conditions. If a person is in treatment, you can get a statement from the person's health-care professional or a social worker.

If the person does not have the means to pay for or obtain a professional diagnosis, other evidence may be used. A prudent person can often identify these types of issues without the need for verification. For example, statements from former employers or other persons who know the person's situation can be sufficient evidence of the person's mental or physical limitations.

When your judgment is the only basis for determining that a person is not "fit" for employment, you must document it as such in the person's case record.

GUIDANCE: The following scenarios illustrate circumstances that may lead to the determination that a person is unfit for employment.

1. During the application interview, you discover that the person has had many jobs but repeatedly lost them. Through your observations and conversation with the person, you discover the person has a history of getting fired quickly or quitting due to uncontrollable outbursts of anger with the employer or coworkers. This may be an untreated mental health issue that currently makes the person mentally unfit for employment.
2. While interviewing a person, you discover he is homeless. The client confides that he has a substance abuse issue that contributes to his homelessness and he stays for short periods with various friends and acquaintances. His circumstances are such that he does not have money to get appropriate clothing or hygiene and grooming products to make him presentable for employment. These circumstances and issues may make him physically or mentally unfit for employment.

Use any reasonable means to determine and verify the actual number of hours worked in a calendar month. Use caution if using pay stubs to verify hours of work, because pay periods often overlap calendar months and do not reflect the number of hours actually worked in the month in which the person received the pay.

Accept the word of a self-employed person as verification of how many hours are worked per month. Document the client's statement as to how many hours are worked per month in the case record.

Accept the statement of a person who provides an in-kind benefit in exchange for an ABAWD's services as verification.

Once you have verified the hours of work, it is not necessary to do so each month. Assume that an ABAWD is continuing to work 80 or more hours monthly unless the ABAWD reports that the hours of work have dropped below 80 per month, or you have other information indicating the hours are less than 80.

Time Limit for ABAWDs

Legal reference: Public Law 111-5

ABAWDs can get only three months of Food Assistance benefits while they are not meeting the work requirement. This policy applies to all ABAWDs during each three-year period. EXCEPTION: Some ABAWDs can receive an additional three months of eligibility while not fulfilling the work requirement. See [Additional Three-Months' Eligibility](#) for information.

IMPORTANT: As a result of the American Recovery and Reinvestment Act of 2009, the three-month limit for ABAWDs is suspended April 1, 2009, through September 30, 2010. During this time period, do *not* cancel or deny any person for not meeting ABAWD work requirements.

The period in which an ABAWD is limited to three months of benefits (and the additional three months) is the same for all ABAWDs in Iowa. The periods are:

- ◆ December 1, 2008, through November 30, 2011
- ◆ December 1, 2011, through November 30, 2014

All ABAWDs are eligible for the three-month limit in each period, even if they used benefits under a previous period. The three-month limit can be used either consecutively or nonconsecutively. A prorated month does not count towards an ABAWD's three-month limit, even when the Food Assistance benefits are prorated from the first day of the month.